



House of Representatives

General Assembly

File No. 288

February Session, 2016

House Bill No. 5488

House of Representatives, March 30, 2016

The Committee on Planning and Development reported through REP. MILLER, P. of the 36th Dist., Chairperson of the Committee on the part of the House, that the bill ought to pass.

***AN ACT CONCERNING VOTING REQUIREMENTS FOR
ESTABLISHING A SPECIAL TAXING DISTRICT TO MAINTAIN WATER
QUALITY IN A LAKE.***

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 7-325 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2016*):

3 (a) Upon the petition of fifteen or more voters [, as defined by
4 section 7-6,] of any town, specifying the limits of a proposed district for
5 any or all of the purposes set forth in section 7-326, the selectmen of
6 such town shall call a meeting of the voters residing within such
7 specified limits to act upon such petition, which meeting shall be held
8 at such place within such town and such hour as the selectmen
9 designate, within thirty days after such petition has been received by
10 such selectmen. Such limits shall contain only contiguous property,
11 except any proposed district which is proposed to be established only
12 to plan, lay out, acquire, construct, reconstruct, repair, maintain,
13 operate and regulate the use of a community water system or to

14 construct and maintain drains and sewers or both and which does not
15 exercise any of the other powers enumerated in section 7-326, may
16 contain noncontiguous properties if the properties proposed to be
17 included are, or are to be, served by a common water or sewer main.
18 Such meeting shall be called by publication of a written notice of the
19 same, signed by the selectmen, at least fourteen days before the time
20 fixed for such meeting in two successive issues of some newspaper
21 published or circulated in such town. Not later than twenty-four hours
22 before such meeting, (1) two hundred or more voters or ten per cent of
23 the total number of voters, whichever is less, may petition the
24 selectmen in writing for a referendum, or (2) the selectmen in their
25 discretion may order a referendum, on the sole question of whether
26 the proposed district should be established. Any such referendum
27 shall be held not less than seven nor more than fourteen days after the
28 receipt of such petition or the date of such order, on a day to be set by
29 the selectmen for a vote by paper ballots or by a "yes" or "no" vote on
30 the voting machines, during the hours between twelve o'clock noon
31 and eight o'clock p.m.; except that any town may, by vote of its
32 selectmen, provide for an earlier hour for opening the polls but not
33 earlier than six o'clock a.m., notwithstanding the provisions of any
34 special act to the contrary. If two-thirds of the voters, or, in the case of
35 a proposed district to maintain water quality in a lake, a majority of
36 voters, casting votes in such referendum vote in favor of establishing
37 the proposed district, the selectmen shall reconvene such meeting not
38 later than seven days after the day on which the referendum is held.
39 Upon approval of the petition for the proposed district by two-thirds
40 of the voters present at such meeting, or if a referendum is held, upon
41 the reconvening of such meeting after the referendum, the voters may
42 name the district and, upon the vote of a majority of such voters,
43 choose necessary officers therefor to hold office until the first annual
44 meeting thereof; and the district shall, upon the filing of the first report
45 required pursuant to subsection (c) of this section, thereupon be a body
46 corporate and politic and have the powers, not inconsistent with the
47 general statutes, in relation to the objects for which it was established,
48 that are necessary for the accomplishment of such objects, including

49 the power to lay and collect taxes. The clerk of such district shall cause
50 its name and a description of its territorial limits and of any additions
51 that may be made thereto to be recorded in the land records of each
52 town in which such district is located.

53 (b) Any district may enlarge or reduce its territorial limits if the
54 board of directors of the district approves a resolution proposing such
55 an enlargement or reduction and stating the proposed boundaries of
56 the area proposed to be included or excluded, as the case may be,
57 provided: (1) The board of directors of the district shall call a meeting
58 of voters of the area proposed to be included or excluded, which
59 meeting shall be held within thirty days of the board of directors'
60 approval of such resolution and shall be called by publication of a
61 written notice of the same, signed by the members of the board of
62 directors of the district, at least fourteen days before the time fixed for
63 such meeting in two successive issues of some newspaper published or
64 circulated in such town, provided not later than twenty-four hours
65 before any such meeting, two hundred or more such voters or ten per
66 cent of the total number of such voters, whichever is less, may petition
67 the clerk of the district, in writing, that a referendum on the question
68 of whether the area proposed to be included or excluded should join or
69 leave the district be held in the manner provided in section 7-327; (2) a
70 two-thirds majority of the voters of the area proposed to be included or
71 excluded in attendance at such meeting, or, if a referendum is held,
72 two-thirds of such voters casting votes in such referendum, vote in
73 favor of joining or leaving such district; (3) that any area to be added is
74 contiguous with some portion of the existing district; [] and (4) if the
75 enlargement of the territorial limits of the district will overlap the
76 territorial limits of another district within the town, the legislative
77 body of the town approves such enlargement. If any district enlarges
78 or reduces its territorial limits, the clerk of such district shall notify the
79 town clerk of each town affected by such enlargement or reduction
80 within thirty days after the vote.

81 (c) The clerk of each district created pursuant to this chapter or any
82 provisions of the general statutes or any special act, shall report to the

83 town clerk of each town in which such district is located: (1) If created
 84 by approval of a petition pursuant to subsection (a) of this section on
 85 or after July 1, 1987, within seven days of such approval; and (2) on or
 86 before July 31, 1993, and annually thereafter for each such district,
 87 irrespective of the date of creation. The first report filed after the
 88 creation of a district shall include a list of the officers of such district, a
 89 copy of the charter or special act of such district and such other
 90 information on the organization and the financial status of such district
 91 as the Secretary of the Office of Policy and Management may
 92 recommend. A copy of the charter or special act of such district shall
 93 be included in any subsequent report if such charter or special act was
 94 amended after the date of the previous filing. No district, irrespective
 95 of the date of creation, created by approval of a petition pursuant to
 96 subsection (a) of this section shall exist as a body corporate and politic
 97 until the clerk of such district has filed at least one report required by
 98 this subsection. If a district is located in more than one town, the report
 99 shall be filed by the district clerk with the town clerk of each town in
 100 which the district is located.

101 (d) Any fine imposed on and after July 1, 1992, on a clerk for failure
 102 to file a report required pursuant to subsection (c) of this section shall
 103 be waived.

104 (e) For the purposes of this section, "voter" means a person
 105 authorized to vote pursuant to section 7-6, except that, in the case of a
 106 proposed district to maintain water quality in a lake, a person is not
 107 required to be an elector of the town in which such district is proposed.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2016	7-325

PD *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact: None

Municipal Impact: None

Explanation

The bill, which makes changes to the process for establishing certain types of special taxing districts, has no fiscal impact. It does not change any costs associated with holding referenda or publishing legal notices regarding the establishment of special taxing districts.

The Out Years

State Impact: None

Municipal Impact: None

OLR Bill Analysis**HB 5488*****AN ACT CONCERNING VOTING REQUIREMENTS FOR ESTABLISHING A SPECIAL TAXING DISTRICT TO MAINTAIN WATER QUALITY IN A LAKE.*****SUMMARY:**

This bill makes it easier to create a special taxing district to maintain water quality in a lake by allowing a simple majority of referendum voters to approve its creation, rather than a two-thirds majority as required under current law. As is the case under current law, a two-thirds majority is required to approve (1) a district's creation at a special meeting or (2) changes to a district's boundaries at a referendum or special meeting.

The bill also explicitly specifies that people voting at a meeting or referendum concerning a lake water quality district's creation need not be electors of the municipality in which the district is proposed. Existing law already specifies that a person can vote at a meeting or referendum to create a district if he or she is either (1) an elector of the municipality (i.e., a registered voter) or (2) a U.S. citizen age 18 or older who is liable to the municipality for taxes on an assessment of at least \$1,000. The latter group includes (1) nonresident property owners and (2) resident property owners age 18 or older who are not registered voters.

EFFECTIVE DATE: October 1, 2016

BACKGROUND***Forming Special Taxing Districts***

The residents of an area within a municipality can form a special taxing district to perform a number of services, including providing police and fire protection and water services, regulating land use, and

enforcing the building code (CGS §§ 7-324 to 7-329). The statutes specify the process for forming a special taxing district. Residents of the proposed district may establish a district either at a special meeting called for that purpose or through a referendum.

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable

Yea 20 Nay 0 (03/14/2016)